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Drafted by:	Harry Reinert
Sponsors:	
Attachments:	A. 2012 King County Comprehensive Plan Update, March 1, 2012 B. Technical Appendix A (Capital Facilities), March 1, 2012 C. Technical Appendix B (Housing), March 1, 2012 D. Technical Appendix C (Transportation), March 2012 E. Transportation Needs Report 2012 F. Technical Appendix D (Growth Targets and the Urban Growth Area 2012), March 1, 2012 G. Technical Appendix P: Summary of Public Outreach for the development of the 2012 King County Comprehensive Plan Update H. King County Critical Aquifer Recharge Areas Map, March 1, 2012

..title

AN ORDINANCE relating to comprehensive planning and permitting; and amending Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010, Ordinance 15556, Section 3, and K.C.C. 4.08.057, Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050, Ordinance 14047, Section 9, as amended, and K.C.C. 20.18.170, Ordinance 14047, Section 10, as amended, and K.C.C. 20.18.180, Ordinance 10870, Section 36, as amended, and K.C.C. 21A.04.150, Ordinance 10870, Section 37, as amended, and K.C.C. 21A.04.160, Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311, Ordinance 16267, Section 59, and K.C.C. 21A.24.381, Ordinance 15051, Section 198, and K.C.C. 21A.24.382, Ordinance 15051, Section 199, and K.C.C. 21A.24.383, Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030,

Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040, Ordinance 14190, Section 7, as amended, and K.C.C. 21A.37.050, Ordinance 16267, Section 68, and K.C.C. 21A.37.055, Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060, Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070, Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080, Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100, Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110, Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130, Ordinance 13733, Section 13, as amended, and K.C.C. 21A.37.140, Ordinance 13733, Section 14, as amended, and K.C.C. 21A.37.150, adding a new section to K.C.C. chapter 21A.38 and repealing Ordinance 11621, Section 28, and K.C.C. 21A.06.1177

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SECTION 1. Findings: For the purposes of effective land use planning and regulation, the King County council makes the following legislative findings:

A. King County has adopted the 2008 King County Comprehensive Plan to meet the requirements of the Washington State Growth Management Act ("GMA");

B. The King County Code authorizes a review of the Comprehensive Plan and allows substantive amendments to the Comprehensive Plan once every four years and the

King County Comprehensive Plan 2012 amendments represent the fourth major review of the Comprehensive Plan since 1994;

C. The GMA requires that the Comprehensive Plan and development regulations be subject to continuing review and evaluation by the county;

D. The GMA requires that King County adopt development regulations to be consistent with and implement the Comprehensive Plan;

E. The changes to zoning contained in this ordinance are needed to maintain conformity with the King County Comprehensive Plan, as required by the GMA. As such, they bear a substantial relationship to, and are necessary for, the public health, safety and general welfare of King County and its residents;

F. The GMA requires King County to take action not later than June 30, 2015 to review and, if needed, revise its comprehensive plan and development regulations to ensure the plan and regulations comply with the requirements of the GMA; and

G. King County engages in a comprehensive review of its comprehensive plan and development regulations every four years. This ordinance constitutes the conclusion of the county's review process. The 2012 King County Comprehensive Plan and King County's development regulations comply with the requirements of the GMA. The adoption of this ordinance constitutes the action required by the GMA by June 30, 2015.

SECTION 2. Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010 are each hereby amended to read as follows:

A. Under the King County Charter, the state Constitution and the Washington state Growth Management Act, chapter 36.70A RCW, the 1994 King County Comprehensive Plan is adopted and declared to be the Comprehensive Plan for King

County until amended, repealed or superseded. King County performed its first comprehensive four-cycle review of the Comprehensive Plan. As a result of the review, King County amended the 1994 Comprehensive Plan through passage of the King County Comprehensive Plan 2000. King County performed its second comprehensive four-cycle review of the Comprehensive Plan in 2004. As a result of the review, King County amended the 2000 Comprehensive Plan through passage of the King County Comprehensive Plan 2004. King County performed its third comprehensive four-cycle review of the Comprehensive Plan in 2008. As a result of the review, King County amended the 2004 Comprehensive Plan through passage of the King County Comprehensive Plan 2008. King County performed its fourth comprehensive four-cycle review of the Comprehensive Plan in 2012. As a result of the review, King County amended the 2008 Comprehensive Plan through passage of the King County Comprehensive Plan 2012. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations and land development decisions.

B. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12061 (King County Comprehensive Plan 1995 amendments) are hereby adopted.

C. The amendments to the 1994 King County Comprehensive Plan contained in Attachment A to Ordinance 12170 are hereby adopted to comply with the Central Puget

Sound Growth Management Hearings Board Decision and Order in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-0008.

D. The Vashon Town Plan contained in Attachment 1 to Ordinance 12395 is adopted as a subarea plan of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan and amends the 1994 King County Comprehensive Plan Land Use Map.

E. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12501 are hereby adopted to comply with the Order of the Central Puget Sound Growth Management Hearings Board in Copac-Preston Mill, Inc., et al, v. King County, Case No. 96-3-0013 as amendments to the King County Comprehensive Plan.

F. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12531 (King County Comprehensive Plan 1996 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

G. The Black Diamond Urban Growth Area contained in Appendix A to Ordinance 12533 is hereby adopted as an amendment to the King County Comprehensive Plan.

H. The 1994 King County Comprehensive Plan and Comprehensive Plan Land Use Map are amended to include the area shown in Appendix A of Ordinance 12535 as Rural City Urban Growth Area. The language from Ordinance 12535, Section 1.D., shall be placed on Comprehensive Plan Land Use Map page #32 with a reference marker on the area affected by Ordinance 12535.

I. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12536 (1997 Transportation Need Report) are hereby adopted as amendments to the King County Comprehensive Plan.

J. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12927 (King County Comprehensive Plan 1997 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

K. The amendments to the 1994 King County Comprehensive Plan contained in the 1998 Transportation Needs Report, contained in Appendices A and B to Ordinance 12931 and in the supporting text, are hereby adopted as amendments to the King County Comprehensive Plan.

L. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 13273 (King County Comprehensive Plan 1998 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

M. The 1999 Transportation Needs Report contained in Attachment A to Ordinance 13339 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan, Technical Appendix C, and the amendments to the 1994 King County Comprehensive Plan contained in Attachment B to Ordinance 13339 are hereby adopted as amendments to the King County Comprehensive Plan.

N. The amendments to the 1994 King County Comprehensive Plan contained in Attachment A to Ordinance 13672 (King County Comprehensive Plan 1999 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

O. The 2000 Transportation Needs Report contained in Attachment A to Ordinance 13674 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan, Technical Appendix C.

P. The Fall City Subarea Plan contained in Attachment A to Ordinance 13875 is adopted as a subarea plan of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan. The Fall City Subarea Plan amends the 1994 King County Comprehensive Plan land use map by revising the Rural Town boundaries of Fall City.

Q. The amendments to the King County Comprehensive Plan contained in Attachment A to Ordinance 13875 are hereby adopted as amendments to the King County Comprehensive Plan.

R. The Fall City area zoning amendments contained in Attachment A to Ordinance 13875 are adopted as the zoning control for those portions of unincorporated King County defined in the attachment. Existing property-specific development standards (p-suffix conditions) on parcels affected by Attachment A to Ordinance 13875 do not change except as specifically provided in Attachment A to Ordinance 13875.

S. The amendments to the 1994 King County Comprehensive Plan Land Use Map contained in Attachment A to Ordinance 13987 are hereby adopted to comply with the Central Puget Sound Growth Management Hearings Board Decision and Order on Supreme Court Remand in *Vashon-Maury Island, et. al. v. King County*, Case No. 95-3-0008 (Bear Creek Portion).

T. The 2001 transportation needs report contained in Attachment A to Ordinance 14010 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan, technical appendix C.

U. The amendments to the 1994 King County Comprehensive Plan contained in Attachments A, B and C to Ordinance 14044 (King County Comprehensive Plan 2000) are hereby adopted as amendments to the King County Comprehensive Plan. Attachment A to Ordinance 14044 amends the policies, text and maps of the Comprehensive Plan. Amendments to the policies are shown with deleted language struck out and new language underlined. The text and maps in Attachment A to Ordinance 14044 replace the previous text and maps in the Comprehensive Plan. Attachment B to Ordinance 14044 contains technical appendix A (capital facilities), which replaces technical appendix A to the King County Comprehensive Plan, technical appendix C (transportation), which replaces technical appendix C to the King County Comprehensive Plan, and technical appendix M (public participation), which is a new technical appendix that describes the public participation process for the King County Comprehensive Plan 2000. Attachment C to Ordinance 14044 includes amendments to the King County Comprehensive Plan Land Use Map. The land use amendments contained in Attachment C to Ordinance 14044 are adopted as the official land use designations for those portions of unincorporated King County defined in Attachment C to Ordinance 14044.

V. The Snoqualmie Urban Growth Area Subarea Plan contained in Attachment A to Ordinance 14117 is adopted as a subarea plan of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan. Attachment B to Ordinance 14117 amends the King

County Comprehensive Plan 2000 land use map by revising the Urban Growth Area for the City of Snoqualmie. Attachment C to Ordinance 14117 amends the policies of the Comprehensive Plan.

W. The Snoqualmie Urban Growth Area Subarea Plan area zoning amendments in Attachment D to Ordinance 14117 are adopted as the zoning control for those portions of unincorporated King County defined in the attachment. Existing property-specific development standards (p-suffix conditions) on parcels affected by Attachment D to Ordinance 14117 do not change

X. The amendments to the King County Comprehensive Plan 2000 contained in Attachment B to Ordinance 14156 are hereby adopted as amendments to the King County Comprehensive Plan.

Y. The amendments to the King County Comprehensive Plan 2000 contained in Attachment A to Ordinance 14185 are hereby adopted as amendments to the King County Comprehensive Plan in order to comply with the order of the Central Puget Sound Growth Management Hearings Board in *Green Valley et al, v. King County*, CPSGMHB Case No. 98-3-0008c, Final Decision and Order (1998) and the order of the Washington Supreme Court in *King County v. Central Puget Sound Growth Management Hearings Board*, 142 Wn.2d 543, 14 P.3d 133 (2000).

Z. The amendments to the King County Comprehensive Plan 2000 contained in Attachment A to Ordinance 14241 (King County Comprehensive Plan 2001 Amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

AA. The amendment to the King County Comprehensive Plan 2000 contained in Attachment A to Ordinance 14286 is hereby adopted as an amendment to the King County Comprehensive Plan in order to comply with the Central Puget Sound Growth Management Hearings Board's Final Decision and Order in *Forster Woods Homeowners' Association and Friends and Neighbors of Forster Woods, et al. v. King County*, Case No. 01-3-0008c (Forster Woods), dated November 6, 2001.

BB. The amendments to the King County Comprehensive Plan 2000 contained in Attachment A to Ordinance 14448 (King County Comprehensive Plan 2002 Amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

CC. The amendments to the King County Comprehensive Plan 2000 contained in Attachment A to Ordinance 14775 (King County Comprehensive Plan 2003 Amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

DD. The amendments to the King County Comprehensive Plan 2000 contained in Attachments A, B, C, D and E to Ordinance 15028 (King County Comprehensive Plan 2004) are hereby adopted as amendments to the King County Comprehensive Plan. Attachment A, Part I, to Ordinance 15028 amends the policies, text and maps of the Comprehensive Plan. Attachment A, Part II, to Ordinance 15028 includes amendments to the King County Comprehensive Plan Land Use Map. The land use amendments contained in Attachment A, Part II, to Ordinance 15028 are adopted as the official land use designations for those portions of unincorporated King County defined in Attachment A, Part II, to Ordinance 15028. Attachment B to Ordinance 15028 contains Technical

Appendix A (Capital Facilities), which replaces technical appendix A to the King County Comprehensive Plan. Attachment C to Ordinance 15028 contains Technical Appendix B (Housing), which replaces Technical Appendix B to the King County Comprehensive Plan. Attachment D to Ordinance 15028 contains Technical Appendix C (Transportation), which replaces Technical Appendix C to the King County Comprehensive Plan 2000. Attachment E to Ordinance 15028 contains Technical Appendix D (Growth Targets and the Urban Growth Area 2004).

EE. The 2004 transportation needs report contained in Attachment A to Ordinance 15077 is hereby adopted as an amendment to the 2004 King County Comprehensive Plan, technical appendix C.

FF. The amendments to the King County Comprehensive Plan 2004 contained in Attachment A to Ordinance 15244 (King County Comprehensive Plan 2005 Amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

GG. Attachment A to Ordinance 15326, which is the King County Comprehensive Plan Sammamish Agricultural Production District Subarea Plan dated November 7, 2005, is hereby adopted as an amendment to the 2004 King County Comprehensive Plan, as amended, in order to comply with the Central Puget Sound Growth Management Hearings Board's Final Decision and Order in *Maxine Keesling v. King County*, Case No. 04-3-0024 (Keesling III), dated May 31, 2005.

HH. The amendments to the King County Comprehensive Plan 2004 contained in Attachments A, B, C and D to Ordinance 15607 are hereby adopted as amendments to the King County Comprehensive Plan. Attachment A to Ordinance 15607 (Amendment to

the King County Comprehensive Plan 2004) amends the policies and maps of the King County Comprehensive Plan. Attachment B to Ordinance 15607 contains technical appendix O (Regional Trail Needs Report). Attachment C to Ordinance 15607 amends King County Comprehensive Plan, Technical Appendix C (Transportation), by replacing the transportation needs report. Attachment D to Ordinance 15607 amends King County Comprehensive Plan, Technical Appendix C (Transportation), by replacing the arterial functional classification map.

II. Attachment A to Ordinance 15772, which is the King County Comprehensive Plan Juanita Firs Subarea Plan, dated February 20, 2007, is hereby adopted as an amendment to the King County Comprehensive Plan as amended.

JJ. The amendments to the King County Comprehensive Plan 2004 contained in Attachments A, B, C, D, E and F to Ordinance 16263 are hereby adopted as amendments to the King County Comprehensive Plan. Attachment A to Ordinance 16263 amends the policies, text and maps of the Comprehensive Plan and amends King County Comprehensive Plan Land Use Zoning. The land use amendments contained in Attachment A to Ordinance 16263 are adopted as the official land use designations for those portions of unincorporated King County defined in Attachment A to Ordinance 16263. Attachment B to Ordinance 16263 (~~contains~~) contains Technical Appendix A (Capital Facilities), which replaces Technical Appendix A to the King County Comprehensive Plan 2004. Attachment C to Ordinance 16263 contains Technical Appendix B (Housing), which replaces Technical Appendix B to the King County Comprehensive Plan 2004. Attachment D to Ordinance 16263 contains Technical Appendix C (Transportation), which replaces Technical Appendix C to the King County

Comprehensive Plan 2004. Attachment E to Ordinance 16263 contains the transportation needs report, which replaces the transportation needs report in Technical Appendix C to the King County Comprehensive Plan 2004. Attachment F to Ordinance 16263 contains Technical Appendix D (Growth Targets and the Urban Growth Area 2008).

KK. The amendments to the 2008 King County Comprehensive Plan, contained in Attachments A, B and C to Ordinance 16949 are hereby adopted as amendments to the King County Comprehensive Plan. Attachment A to Ordinance 16949 is Technical and Editorial Corrections, dated March 1, 2010. Attachment B to Ordinance 16949 is the King County Issaquah Highlands Area Zoning Study, dated September 13, 2010. Attachments A and B to Ordinance 16949 amend policies, text and maps of the Comprehensive Plan and amend King County Comprehensive Plan Land Use Zoning. The land use amendments contained in Attachment B to Ordinance 16949 are adopted as the official land use designations for those portions of unincorporated King County defined in Attachment B to Ordinance 16949. Attachment C to Ordinance 16949 is the 2010 update of the Transportation Needs Report and amends the 2008 King County Comprehensive Plan, Technical Appendix C.

LL. The amendments to the King County Comprehensive Plan 2008 contained in Attachment A to Ordinance 16985 are hereby adopted as amendments to the King County Comprehensive Plan. Attachment A to Ordinance 16985 amends the policies and goals of the King County Shoreline Master Program, consistent with chapter 90.58 RCW and chapter 173-26 WAC, and adds a new chapter 5 to the King County Comprehensive Plan.

KK. The amendments to the King County Comprehensive Plan 2008 contained in Attachments A, B, C, D, E, F and G to this ordinance are hereby adopted as amendments to the King County Comprehensive Plan. Attachment A to this ordinance amends the policies, text and maps of the Comprehensive Plan and amends King County Comprehensive Plan Land Use Zoning. The land use amendments contained in Attachment A to this ordinance are adopted as the official land use designations for those portions of unincorporated King County defined in Attachment A to this ordinance. Attachment B to this ordinance contains Technical Appendix A (Capital Facilities), which replaces Technical Appendix A to the King County Comprehensive Plan 2008. Attachment C to this ordinance contains Technical Appendix B (Housing), which replaces Technical Appendix B to the King County Comprehensive Plan 2008. Attachment D to this ordinance contains Technical Appendix C (Transportation), which replaces Technical Appendix C to the King County Comprehensive Plan 2008. Attachment E to this ordinance contains the transportation needs report, which replaces the transportation needs report in Technical Appendix C to the King County Comprehensive Plan 2008. Attachment F to this ordinance contains Technical Appendix D (Growth Targets and the Urban Growth Area 2012). Attachment G to this ordinance contains Technical Appendix P: Summary of Public Outreach for Development of the 2012 King County Comprehensive Plan Update.

SECTION 3. Ordinance 15556, Section 3, and K.C.C. 4.08.057 are each hereby amended to read as follows:

A. There is hereby created the Climate Exchange fund, classified as a special revenue fund, for the purpose of accounting for any revenue generated by the sale of

carbon credits and other emission credits, and the expenditures incurred for the purchase of carbon credits or other emission credits, in accordance with the rules of ~~((the Chicago Climate Exchange or other))~~ emissions trading programs in which the county may participate. Carbon credits include but are not limited to those credits sold or purchased through the Chicago Climate Exchange. This fund may also be used for the purpose of accounting for the sale or purchase of other emission credits as the county may develop.

B. Any financial benefit that accrues to the county from ~~((its participation in the Chicago Climate Exchange))~~ the sale of carbon or other emissions credits shall be appropriately invested in actions that either reduce ~~((carbon))~~ emissions or address global warming impacts, or both.

C. The office of performance, strategy and budget shall be the fund manager for the Climate Exchange fund.

D. For investment purposes, the Climate Exchange fund shall be considered a first tier fund.

SECTION 4. Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050 are each hereby amended to read as follows:

Zoning adopted pursuant to this section shall constitute official zoning for all of unincorporated King County.

A. Official zoning, including but not limited to p-suffix, so-suffix and potential zoning, is contained in ~~((the SITUS file))~~ geographic information system data layers maintained by King County and is depicted on the official zoning maps, as maintained by the department of development and environmental services. In case of a discrepancy

between a data layer and the original map or document adopted by ordinance, the original map or document shall control.

B. Appendix A of Ordinance 12824, as amended by Ordinance 15028, is hereby adopted to constitute and contain all property-specific development standards (p-suffix conditions) applicable in unincorporated King County. The property specific development standards (p-suffix conditions) in effect or hereinafter amended shall be maintained by the department of development and environmental services in the Property Specific Development Conditions notebook. Any adoption, amendment or repeal of property-specific development standards shall amend, pursuant to this section, Appendix A of Ordinance 12824 as currently in effect or hereafter amended.

C. Appendix B of Ordinance 12824, as amended by Ordinance 14044 [and] as amended by Ordinance 15028, is hereby adopted to constitute and contain special district overlays applied through Ordinance 12824. The special district overlays in effect or hereinafter amended shall be maintained by the department of development and environmental services in the Special District Overlay Application Maps notebook. Any adoption, amendment or repeal of special district overlays shall amend, pursuant to this section, Appendix B of Ordinance 12824 as currently in effect or hereafter amended.

SECTION 5. Ordinance 14047, Section 9, as amended, and K.C.C. 20.18.170 are each hereby amended to read as follows:

A. Proposals for open space dedication and redesignation to the urban growth area must be received before December 31, ~~((2014))~~ 2015.

B. The total area added to the urban growth area as a result of this program shall not exceed four thousand acres. The department shall keep a cumulative total for all

parcels added under this section. The total shall be updated annually through the plan amendment process.

C. Proposals shall be processed as land use amendments to the Comprehensive Plan and may be considered in either the annual or four-year cycle. Site suitability and development conditions for both the urban and rural portions of the proposal shall be established through the preliminary formal plat approval process.

D. A term conservation easement shall be placed on the open space at the time the four to one proposal is approved by the council. Upon final plat approval, the open space shall be permanently dedicated in fee simple to King County.

E. Proposals adjacent to incorporated area or potential annexation areas shall be referred to the affected city and special purpose districts for recommendations.

SECTION 6. Ordinance 14047, Section 10, as amended, and K.C.C. 20.18.180 are each hereby amended to read as follows:

Rural area land may be added to the urban growth area in accordance with the following criteria:

A. A proposal to add land to the urban growth area under this program shall meet the following criteria:

1. A permanent dedication to the King County open space system of four acres of open space is required for every one acre of land added to the urban growth area;

2. The land shall not be zoned agriculture (A);

3. The land added to the urban growth area shall:

- a. be physically contiguous to urban growth area as adopted in 1994, unless the director determines that the land directly adjacent to the urban growth area contains

critical areas that would be substantially harmed by development directly adjacent to the urban growth area and that all other criteria can be met; and

b. not be in an area where a contiguous band of public open space, parks or watersheds already exists along the urban growth area boundary;

4. The land added to the urban growth area shall be able to be served by sewers and other urban services;

5. A road serving the land added to the urban area shall not be counted as part of the required open space;

6. All urban facilities shall be provided directly from the urban area and shall not cross the open space or rural area and be located in the urban area except as permitted in subsection E of this section;

7. Open space areas shall retain a rural designation;

8. The minimum depth of the open space buffer shall be one half of the property width, unless the director determines that a smaller buffer of no less than two hundred feet is warranted due to the topography and critical areas on the site, shall generally parallel the urban growth area boundary and shall be configured in such a way as to connect with open space on adjacent properties;

9. The minimum size of the property to be considered is twenty acres. Smaller parcels may be combined to meet the twenty-acre minimum;

10. Urban development under this section shall be limited to residential development and shall be at a minimum density of four dwelling units per acre; ~~((and))~~

11. Drainage facilities to support the urban development shall be located within the urban portion of the development; and

12. The land to be retained in open space is not needed for any facilities necessary to support the urban development; and

B. A proposal that adds two hundred acres or more to the urban growth area shall also meet the following criteria:

1. The proposal shall include a mix of housing types including thirty percent below-market-rate units affordable to low, moderate and median income households;

2. In a proposal in which the thirty-percent requirement in subsection B.1 of this section is exceeded, the required open space dedication shall be reduced to three and one-half acres of open space for every one acre added to the urban growth area;

C. A proposal that adds less than two hundred acres to the urban growth area and that meets the affordable housing criteria in subsection B.1. of this section shall be subject to a reduced open space dedication requirement of three and one-half acres of open space for every one acre added to the urban growth area;

D. Requests for redesignation shall be evaluated to determine those that are the highest quality, including, but not limited to, consideration of the following:

1. Preservation of fish and wildlife habitat, including wildlife habitat networks, and habitat for endangered and threatened species;

2. Provision of regional open space connections;

3. Protection of wetlands, stream corridors, ground water and water bodies;

4. Preservation of unique natural, biological, cultural, historical or archeological resources;

5. The size of open space dedication and connection to other open space dedications along the urban growth area boundary; and

6. The ability to provide extensions of urban services to the redesignated urban areas; and

E. The open space acquired through this program shall be preserved primarily as natural areas, passive recreation sites or resource lands for farming and forestry. The following additional uses may be allowed only if located on a small portion of the open space and provided that these uses are found to be compatible with the site's natural open space values and functions:

1. Trails;
2. ~~((Natural appearing stormwater facilities;~~

3.)) Compensatory mitigation of wetland losses on the urban designated portion of the project, consistent with the King County Comprehensive Plan and K.C.C. chapter 21A.24; and

~~((4.))~~ 3. Active recreation uses not to exceed five percent of the total open space area. The support services and facilities for the active recreation uses may locate within the active recreation area only, and shall not exceed five percent of the total acreage of the active recreation area. The entire open space area, including any active recreation site, is a regional resource. It shall not be used to satisfy the on-site active recreation space requirements in K.C.C. 21A.14.180 for the urban portion of the four to one property.

SECTION 7. Ordinance 10870, Section 36, as amended, and K.C.C. 21A.04.150 are each hereby amended to read as follows:

The purpose of the property-specific development standards designation (-P suffix to zone's map symbol) is to indicate that conditions beyond the minimum requirements of

this title have been applied to development on the property, including but not limited to increased development standards, limits on permitted uses or special conditions of approval. Property-specific development standards are adopted in either a reclassification or area zoning ordinance and are shown in ~~((the SITUS file))~~ a geographic information system data layer for an individual property maintained by the department. Regardless of the form in which a property-specific development standard is adopted, the P-suffix shall be shown on the official zoning map maintained by the department and as a notation ~~((on the SITUS file))~~ in a geographic information system data layer, which shall be updated as soon as possible after the effective date of the adopting ordinance adopting a P-suffix standard.

SECTION 8. Ordinance 10870, Section 37, as amended, and K.C.C. 21A.04.160 are each hereby amended to read as follows:

The purpose of the special district overlay designation (-SO suffix to zone's map symbol) is to carry out Comprehensive Plan and community, subarea or neighborhood plan policies that identify special opportunities for achieving public benefits by allowing or requiring alternative uses and development standards that differ from the general provisions of this title. Special district overlays are generally applied to a group of individual properties or entire community, subarea or neighborhood planning areas and are designated primarily through the area zoning process. Regardless of the form in which a special district overlay is adopted, the -SO suffix shall be shown on the official zoning map maintained by the department and as a notation ~~((on the SITUS file))~~ in a geographic information system data layer, which shall be updated as soon as possible after the effective date of the adopting ordinance adopting an overlay.

SECTION 9. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are each hereby amended to read as follows:

The map entitled King County Critical Aquifer Recharge Areas, included in Attachment ~~((A to Ordinance 16267))~~ H to this ordinance, is hereby adopted as the designation of critical aquifer recharge areas in King County in accordance with RCW 36.70A.170.

SECTION 10. Ordinance 16267, Section 59, and K.C.C. 21A.24.381 are each hereby amended to read as follows:

The department shall only approve an aquatic habitat restoration project, a floodplain restoration project or a project under the mitigation reserves program that is proposed for a site located within ~~((the))~~ an agricultural production district~~((s))~~ as follows:

A. The project shall be located on agricultural lands that the department of natural resources and parks determines:

1.a. Are unsuitable for direct agricultural production purposes, such as portions of property that have not historically been farmed due to soil conditions or frequent flooding and that it determines cannot be returned to productivity by drainage maintenance; or

b. In conjunction with actions the department of natural resources and parks identifies, ~~((F))~~the proposed project would ~~((result in a net benefit to))~~ improve agricultural productivity in the agricultural production district;

2. The project will not reduce the ability to farm in the area; and

3. Agriculture will remain the predominant use in the agricultural production district;

B. The applicant shall demonstrate to the satisfaction of the department that there are no other suitable land outside the agricultural production district that is available for the project;

C. The department shall hold a public meeting to solicit input from the property owners affected by the project; and

D. The department shall determine that the project:

1. The project is included in, or consistent with, an approved Water Resources Inventory Area Plan, (~~(Farm Management Plan,)~~) Flood Hazard Management Plan(~~(,)~~) or other (~~((King County functional))~~) similar watershed scale plan; or

2. Based on the recommendation of the department of natural resources and parks, the project would improve agricultural productivity within the agricultural productions district.

SECTION 11. Ordinance 15051, Section 198, and K.C.C. 21A.24.382 are each hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing wildlife habitat conservation areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat conservation area;

B. For a bald eagle:

1. The wildlife habitat conservation area is an area with a four-hundred-foot radius from an active nest;

2. Between March 15 and April 30, alterations are not allowed within eight hundred feet of the nest; and

2. Between January 1 and August 31, land clearing machinery, such as bulldozers, graders or other heavy equipment, may not be operated within eight hundred feet of the nest;

C. For a great blue heron:

1. The wildlife habitat conservation area is an area with an eight-hundred-twenty-foot radius from the rookery. The department may increase the radius up to an additional one-hundred sixty-four feet if the department determines that the population of the rookery is declining; and

2. Between January 1 and July 31, clearing or grading are not allowed within nine-hundred-twenty-four feet of the rookery;

D. For a marbled murrelet, the wildlife habitat conservation area is an area with a one-half-mile radius around an active nest;

E. For a northern goshawk, the wildlife habitat conservation area is an area with a one-thousand-five-hundred-foot radius around an active nest located outside of the urban growth area;

F. For an osprey:

1. The wildlife habitat conservation area is an area with a two-hundred-thirty-foot radius around an active nest; and

2. Between April 1 and September 30, alterations are not allowed within six-hundred-sixty feet of the nest;

G. For a peregrine falcon:

1. The wildlife habitat conservation area is an area extending for a distance of one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the rim of the cliff, and the area immediately below the cliff;

2. Between March 1 and June 30, land-clearing activities that result in loud noises, such as from blasting, chainsaws or heavy machinery, are not allowed within one-half mile of the eyrie; and

3. New power lines may not be constructed within one-thousand feet of the eyrie;

H. For a spotted owl, the wildlife habitat conservation area is an area with a three-thousand-seven-hundred-foot radius from an active nest;

I. For a Townsend's big-eared bat:

1. Between June 1 and October 1, the wildlife habitat conservation area is an area with a four-hundred-fifty-foot radius from the entrance to a cave or mine, located outside of the urban area, with an active nursery colony

2. Between November 1 and March 31, the wildlife habitat conservation area is an area with a four-hundred-fifty-foot radius around the entrance to a cave or mine located outside the urban growth area serving as a winter hibernacula;

3. Between March 1 and November 30, a building, bridge, tunnel, or other structure used solely for day or night roosting may not be altered or destroyed;

4. Between May 1 and September 15, the entrance into a cave or mine that is protected because of bat presence is protected from human entry; and

5. A gate across the entrance to a cave or mine that is protected because of bat presence must be designed to allow bats to enter and exit the cave or mine;

J. For a Vaux's swift:

1. The wildlife habitat conservation area is an area with a three-hundred-foot radius around an active nest located outside of the urban growth areas;

2. Between April 1 and October 31, clearing, grading, or outdoor construction is not allowed within four hundred feet of an active or potential nest tree. The applicant may use a species survey to demonstrate that the potential nest tree does not contain an active nest; and

K. ~~((For a red-tailed hawk:~~

~~1. The wildlife habitat conservation area is an area with a radius of three-hundred twenty-five feet from an active nest located outside of the urban growth area; and~~

~~2. Between March 1 and July 31, clearing and grading is not allowed within six hundred sixty feet of an active nest located outside of the urban growth area;~~

~~L.))~~ The department shall require protection of an active breeding site of any ~~((species))~~ federal or state listed endangered, threatened, sensitive and candidate species or King County species of local importance not listed in subsections B. through ~~((K.))~~ J. of this section ~~((whose habitat is identified as requiring protection in the King County Comprehensive Plan))~~. If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the

department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science((; and

~~M. In the area designated rural in the King County Comprehensive Plan, the department shall require an applicant to protect the active breeding site of any species whose habitat the king County Comprehensive Plan directs that the county should protect. The applicant shall protect the breeding site from destruction or other direct disturbance while it is occupied. If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science)).~~

SECTION 12. Ordinance 15051, Section 199, and K.C.C. 21A.24.383 are each hereby amended to read as follows:

Upon request of the applicant and based upon a site-specific critical areas report that includes, but is not limited to, an evaluation of the tolerance of the animals occupying the nest or rookery to the existing level of development in the vicinity of the nest or rookery, the department may approve a reduction of the wildlife habitat conservation area for the following species:

A. Bald eagle;

B. ~~((Goshawk;~~

~~C.))~~ Great blue heron; and

~~((D.))~~ C. Osprey((;

~~E. Peregrine falcon; and~~

~~F. Red-tailed hawk)).~~

SECTION 13. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030

are each hereby amended to read as follows:

A. Receiving sites shall be:

1. King County unincorporated urban sites, except as limited in subsection D. of this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof.

The sites may also be within potential annexation areas established under the countywide planning policies; or

2. Cities where new growth is or will be encouraged under the Growth Management Act and the countywide planning policies and where facilities and services exist or where public investments in facilities and services will be made, or

3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that meet the criteria listed in this subsection A.3. may receive development rights transferred from rural forest focus areas, and accordingly may be subdivided and developed at a maximum density of one dwelling per two and one-half acres. Increased density allowed through the designation of rural receiving areas:

- a. must be eligible to be served by domestic Group A public water service;
- b. must be located within one-quarter mile of an existing predominant pattern of rural lots smaller than five acres in size;
- c. must not adversely impact regionally or locally significant resource areas or critical areas;

d. must not require public services and facilities to be extended to create or encourage a new pattern of smaller lots;

e. must not be located within rural forest focus areas; and

f. must not be located on Vashon Island or Maury Island.

B. Except as provided in this chapter, development of an unincorporated King County receiving site shall remain subject to all zoning code provisions for the base zone, except TDR receiving site developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the TDR receiving site development.

C. An unincorporated King County receiving site may accept development rights from one or more sending sites, up to the maximum density permitted under K.C.C. 21A.12.030 and 21A.12.040.

D. Property located within the outer boundaries of the Noise Remedy Areas as identified by the Seattle-Tacoma International Airport may not accept development rights.

E. Property located within the ~~((shorelands, as defined in RCW 90.58.020,))~~ shoreline jurisdiction or located on Vashon Island or Maury Island may not accept development rights.

SECTION 14. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040 are each hereby amended to read as follows:

A. The number of residential development rights that an unincorporated sending site is eligible to send to a receiving site shall be determined by applying the TDR sending site base density established in subsection D. of this section to the area of the

sending site, after deducting the area associated with any existing development, any retained development rights and any portion of the sending site already in a conservation easement or other similar encumbrance. For each existing dwelling unit or retained development right, the sending site area shall be reduced by an area equivalent to the base density for that zone under K.C.C. 21A.12.030.

B. Any fractions of development rights that result from the calculations in subsection A. of this section shall not be included in the final determination of total development rights available for transfer.

C. For purposes of calculating the amount of development rights a sending site can transfer, the amount of land contained within a sending site shall be determined as follows:

1. If the sending site is an entire tax lot, the square footage or acreage shall be determined:

- a. by the King County department of assessments records; or
- b. by a survey funded by the applicant that has been prepared and stamped by a surveyor licensed in the state of Washington; and

2. If the sending site consists of a lot that is divided by a zoning boundary, the square footage or acreage shall be calculated separately for each zoning classification. The square footage or acreage within each zoning classification shall be determined by the King County record of the action that established the zoning and property lines, such as an approved lot line adjustment. When such records are not available or are not adequate to determine the square footage or acreage within each zoning classification, the

department of development and environmental services shall calculate the square footage or acreage through the geographic information system (GIS) mapping system.

D. For the purposes of the transfer of development rights (TDR) program only, the following TDR sending site base densities apply:

1. Sending sites designated in the King County Comprehensive Plan as urban separator and zoned R-1 shall have a base density of (~~four~~) two dwelling units per acre;

2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25 acres;

3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated one additional TDR for each vacant lot that is smaller than two and one-half acres or five acres, respectively;

4. Sending sites zoned RA and that have a designation under the King County Shoreline Master Program of conservancy or natural shall be allocated one additional TDR;

5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling unit per five acres for transfer purposes only;

6. Sending sites zoned F within the forest production district shall have a base density of one dwelling unit per eighty acres or one dwelling unit per each lot that is between fifteen and eighty acres in size.

E. A sending site zoned RA, A or F may send one development right for every legal lot larger than five thousand square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section. A sending site zoned R-1 may send one development right for every legal lot larger than two thousand five hundred square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section.

F. The number of development rights that a King County unincorporated rural or natural resources land sending site is eligible to send to a King County incorporated urban area receiving site shall be determined through the application of a conversion ratio established by King County and the incorporated municipal jurisdiction. The conversion ratio will be applied to the number of available sending site development rights determined under subsection A. or E. of this section.

G. Development rights from one sending site may be allocated to more than one receiving site and one receiving site may accept development rights from more than one sending site.

H. The determination of the number of residential development rights a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR (~~(certificate letter of intent and)~~) qualification report prepared by the department of natural resources and parks and sent to the applicant. The qualification report shall be considered a final determination, not to be revised due to changes to the sending site's zoning, and shall be valid for five years unless conditions on

the sending site property that would affect the number of development rights the sending site has available for transfer have changed during the five year period.

I. Each residential transferable development right that originates from a sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional units above base density in eligible receiving sites located in unincorporated urban King County. Each residential transferable development right that originates from a sending site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one additional unit above base density.

SECTION 15. Ordinance 14190, Section 7, as amended, and K.C.C. 21A.37.050 are each hereby amended to read as follows:

A. Following the transfer of residential development rights, a sending site may subsequently accommodate remaining residential dwelling units, if any, on the buildable portion of the parcel or parcels or be subdivided, consistent with the zoned base density provisions of the density and dimensions tables in K.C.C. 21A.12.030 and 21A.12.040, the allowable dwelling unit calculations in K.C.C. 21A.12.070 and other King County development regulations. Any remaining residential dwelling units and associated accessory units shall be located in a single and contiguous reserved residential area that shall be adjacent to any existing development or roadways on the property. The reserved residential area shall be equal to the acreage associated with the minimum lot size of the zone for each remaining residential dwelling unit. For sending sites zoned RA, the subdivision potential remaining after a density transfer may only be actualized through a clustered subdivision, short subdivision or binding site plan that creates a permanent preservation tract as large or larger than the portion of the subdivision set aside as lots.

Within rural forest focus areas, resource use tracts shall be at least fifteen acres of contiguous forest land.

B. Only those nonresidential uses directly related to, and supportive of the criteria under which the site qualified are allowed on a sending site.

C. The applicable limitations in this section shall be included in the sending site conservation easement.

SECTION 16. Ordinance 16267, Section 68, and K.C.C. 21A.37.055 are each hereby amended to read as follows:

An urban receiving site that purchases rural TDRs may include the reduced transportation-related greenhouse gas emissions that ~~((are estimated to))~~ the department of natural resources and parks estimates will result from the TDR in calculating the receiving site's greenhouse gas emissions.

SECTION 17. Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060 are each hereby amended to read as follows:

A. Prior to issuing a certificate for transferable development rights to a sending site, the department of natural resources and parks, or its successor shall record deed restrictions in the form of a conservation easement documenting the development rights that have been removed from the property and shall place a notice on the title of the sending site. The department of development and environmental services, or its successor, shall establish and maintain an internal tracking system that identifies all certified transfer of developments rights sending sites.

B. A conservation easement granted to the county or other appropriate land management agency and that meets the requirements of K.C.C. 21A.37.050 shall be

required for land contained in the sending site. The conservation easement shall be documented by a map. The conservation easement shall be placed on the entire lot or lots. The conservation easement shall identify ~~((it))~~ limitations in perpetuity on future residential and nonresidential development consistent with this chapter, as follows:

1. A conservation easement, which contains the easement map, shall be recorded on the entire sending site to indicate development limitations on the sending site;

2. For a sending site zoned A-10 or A-35, the conservation easement shall be consistent in form and substance with the purchase agreements used in the agricultural land development rights purchase program. The conservation easement shall preclude subdivision of the subject property but may permit not more than one dwelling per sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

3. For a rural sending site the conservation easement shall allow for restoration, maintenance or enhancement of native vegetation. A present conditions report shall be required to document the location of existing structures and existing native vegetation and the baseline conservation values of protected property at the time the conservation easement is put in place. If residential development will be allowed on the site under the conservation easement, the present conditions report shall be used to guide the location of residential development;

4. For a sending site qualifying as habitat for federal listed endangered or threatened species, the conservation easement shall protect habitat and allow for restoration, maintenance or enhancement of native vegetation. A present conditions report shall be required to document the location of existing structures. If existing or

future residential development will be allowed on the site under the conservation easement, the present conditions report shall be used by the owner to guide the location of residential development; and

5. For a sending site zoned F, the conservation easement shall encumber the entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to participate in the TDR program if they include any existing dwelling units intended to be retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and eighty acres in size, the sending site must include the entire lot. For lots greater than eighty acres in size, the sending site shall be a minimum of eighty acres. The conservation easement shall permit forestry uses subject to a forest stewardship plan prepared by the applicant and approved by the county for ongoing forest management practices. The Forest Stewardship Plan shall serve as a present conditions report documenting the baseline conditions of the property and shall include a description of the site's forest resources and the long term forest management objectives of the property owner, and shall not impose standards that exceed Title 222 WAC.

SECTION 18. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070 are each hereby amended to read as follows:

A. An interagency review committee, chaired by the directors of the department of development and environmental services and the department of natural resources and parks, or their designees, shall be responsible for qualification of sending sites.

Determinations on sending site certifications made by the committee are appealable to the examiner under K.C.C. 20.24.080. The department of natural resources and parks shall be responsible for preparing a ~~((written))~~ TDR qualification report, which shall be signed

by the director of the department of natural resources and parks or the director's designee, documenting the review and decision of the committee. The committee shall issue a TDR (~~((certification letter))~~) qualification report within sixty days of the date of submittal of a completed sending site certification application.

B. Responsibility for preparing a completed application rests exclusively with the applicant. Application for sending site certification shall include:

1. A legal description of the site;
2. A title report;
3. A brief description of the site resources and public benefit to be preserved;
4. A site plan showing the existing and proposed dwelling units, nonresidential structures, driveways, submerged lands and any area already subject to a conservation easement or other similar encumbrance;
5. Assessors map or maps of the lot or lots;
6. A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to King County or another public or private nonprofit agency;
7. Any or all of the following written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as habitat for a threatened or endangered species:
 - a. a wildlife habitat conservation plan;
 - b. a wildlife habitat restoration plan; or
 - c. a wildlife present conditions report;

8. A forest stewardship plan, written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.

21A.37.060.B.3. and 6.;

9. An affidavit of compliance with the reforestation requirements of the Forest Practices Act and any additional reforestation conditions of the forest practices permit for the site, if required under K.C.C. 21A.37.020.E;

10. A completed density calculation worksheet for estimating the number of available development rights; and

11. The application fee consistent with K.C.C. 27.36.020.

SECTION 19. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080 are each hereby amended to read as follows:

A. TDR development rights where both the proposed sending and receiving sites would be within unincorporated King County shall be transferred using the following process:

1. Following interagency review committee review and approval of the sending site application as described in K.C.C. 21A.37.070 the interagency review committee shall issue a TDR (~~((certificate letter of intent))~~) qualification report, agreeing to issue a TDR certificate in exchange for the proposed sending site conservation easement. After signing and notarizing the conservation easement and receiving the TDR certificate from the county, the sending site owner may market the TDR sending site development rights to potential purchasers. The TDR certificate shall be in the name of the property owner and separate from the land title. If a TDR sending site that has been reviewed and approved by the interagency review committee changes ownership, the TDR (~~((certificate~~

~~letter of intent~~)) qualification report may be transferred to the new owner if requested in writing to the department of natural resources and parks by the person or persons that owned the property when the TDR ((~~certificate letter of intent~~)) qualification report was issued, ((~~provided that the~~)) if documents evidencing the transfer of ownership are also provided to the department of natural resources and parks;

2. In applying for receiving site approval, the applicant shall provide the department of development and environmental services with one of the following:

a. a TDR ((~~certificate letter of intent~~)) qualification report issued in the name of the applicant,

b. a TDR ((~~certificate letter of intent~~)) qualification report issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights,

c. a TDR certificate issued in the name of the applicant, or

d. a TDR certificate issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights;

3. Following building permit approval, but before building permit issuance by the department of development and environmental services or following preliminary plat approval or preliminary short plat approval, but before final plat or short plat recording of a receiving site development proposal which includes the use of TDR development rights, the receiving site applicant shall deliver the TDR certificate issued in the applicant's name for the number of TDR development rights being used and the TDR extinguishment document to the county;

4. When the receiving site development proposal requires a public hearing under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as the hearing on the TDR proposal. The reviewing authority shall make a consolidated decision on the proposed development and use of TDR development rights and consider any appeals of the TDR proposal under the same appeal procedures set forth for the development proposal; and

5. When the development proposal does not require a public hearing under this title or K.C.C. Title 19A, the TDR proposal shall be considered along with the development proposal, and any appeals of the TDR proposal shall be considered under the same appeal procedures set forth for the development proposal.

6. Development rights from a sending site shall be considered transferred to a receiving site when a final decision is made on the TDR receiving area development proposal, the sending site is permanently protected by a completed and recorded land dedication or conservation easement, notification has been provided to the King County assessor's office and a TDR extinguishment document has been provided to the department of natural resources and parks, or its successor agency.

B. TDR development rights where the proposed receiving site would be within an incorporated King County municipal jurisdiction shall be reviewed and transferred using that jurisdiction's development application review process.

SECTION 20. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100 are each hereby amended to read as follows:

The purpose of the TDR bank is to assist in the implementation of the transfer of development rights (TDR) program by bridging the time gap between willing sellers and

buyers of development rights by purchasing and selling development rights, purchasing conservation easements, and facilitating interlocal TDR agreements with cities in King County through the provision of amenity funds. The TDR bank may acquire development rights and conservation easements only from sending sites located in the rural area or in an agricultural or forest production district as designated in the King County Comprehensive Plan. Development rights purchased from the TDR bank may only be used for receiving sites in cities or in the urban unincorporated area as designated in the King County Comprehensive Plan.

SECTION 21. Ordinance 13733, Section 10, as amended, and K.C.C.

21A.37.110 are each hereby amended to read as follows:

A. The TDR bank may purchase development rights from qualified sending sites at prices not to exceed fair market value and to sell development rights at prices not less than fair market value. The TDR bank may accept donations of development rights from qualified TDR sending sites.

B. The TDR bank may purchase a conservation easement only if the property subject to the conservation easement is qualified as a sending site as evidenced by a TDR ~~((certificate letter of intent))~~ qualification report the conservation easement restricts development of the sending site in the manner required by K.C.C. 21A.37.060 and the development rights generated by encumbering the sending site with the conservation easement are issued to the TDR bank at no additional cost.

C. If a conservation easement is acquired through a county park, open space, trail, agricultural, forestry or other natural resource acquisition program for a property that is qualified as a TDR sending site as evidenced by a TDR ~~((certificate letter of~~

~~intent~~)) qualification report, any development rights generated by encumbering the sending site with the conservation easement may be issued to the TDR bank so long as there is no additional cost for the development rights.

D. The TDR bank may use funds to facilitate development rights transfers. These expenditures may include, but are not limited to, establishing and maintaining internet web pages, marketing TDR receiving sites, procuring title reports and appraisals and reimbursing the costs incurred by the department of natural resources and parks, water and land resources division, or its successor, for administering the TDR bank fund and executing development rights purchases and sales.

E. The TDR bank fund may be used to cover the cost of providing staff support for identifying and qualifying sending and receiving sites, and the costs of providing staff support for the TDR interagency review committee.

F. Upon approval of the TDR executive board, proceeds from the sale of TDR bank development rights shall be available for acquisition of additional development rights and as amenity funds to facilitate interlocal TDR agreements with cities in King County. Amenity funds provided to a city from the sale of TDR bank development rights to that city are limited to one-third of the proceeds from the sale.

SECTION 22. Ordinance 13733, Section 12, as amended, and K.C.C.

21A.37.130 are each hereby amended to read as follows:

A. The sale of development rights by the TDR bank shall be at a price that equals or exceeds the fair market value of the development rights. The fair market value of the development rights shall be established by the department of natural resources and shall

be based on the amount the county paid for the development rights and the prevailing market conditions.

B. When selling development rights, the TDR bank may select prospective purchasers based on the price offered for the development rights, the number of development rights offered to be purchased, and the potential for the sale to achieve the purposes of the TDR program.

C. The TDR bank may sell development rights only in whole or half increments to incorporated receiving sites through an interlocal agreement. The TDR bank may sell development rights only in whole increments to unincorporated King County receiving sites.

D. All offers to purchase development rights from the TDR bank shall be in writing, shall include a certification that the development rights, if used, shall be used only inside an identified city or within the urban unincorporated area, include a minimum ten percent down payment with purchase option, shall include the number of development rights to be purchased, location of the receiving site, proposed purchase price and the required date or dates for completion of the sale, not later than three years after the date of receipt by King County of the purchase offer.

E. Payment for purchase of development rights from the TDR bank shall be in full at the time the development rights are transferred unless otherwise authorized by the department of natural resources and parks.

SECTION 23. Ordinance 13733, Section 13, as amended, and K.C.C. 21A.37.140 are each hereby amended to read as follows:

A. For development rights sold by the TDR bank to be used in incorporated receiving site areas, the county and the affected city or cities must ~~((first))~~ either have executed an interlocal agreement and the city or cities must have enacted appropriate legislation to implement the program for the receiving area or the county and the affected city or cities must each have enacted legislation that complies with chapter 365-198 WAC.

B.1. At a minimum, each interlocal agreement shall:

a. shall describe the legislation that the receiving jurisdiction adopted or will adopt to allow the use of development rights~~((;))~~;

b. shall identify the receiving area~~((;))~~;

c. shall require the execution of a TDR extinguishment document in conformance with K.C.C. 21A.37.080~~((;))~~; and

d. ~~((should))~~ shall address the conversion ratio to be used in the receiving site area.

2. If the city is to receive any amenity funds, the interlocal agreement shall set forth the amount of funding and the amenities to be provided in accordance with K.C.C. 21A.37.150I. Such an interlocal agreement may also indicate that a priority should be given by the county to acquiring development rights from sending sites in specified geographic areas. If a city has a particular interest in the preservation of land in a rural or resource area or in the specific conditions on which it will be preserved, then the interlocal agreement may provide for periodic inspection or special terms in the conservation easement to be recorded against the sending site as a pre acquisition condition to purchases of development rights within specified areas by the TDR bank.

C. A TDR conversion ratio for development rights purchased from a sending site and transferred to an incorporated receiving site area may express the amount of additional development rights in terms of any combination of units, floor area, height or other applicable development standards that may be modified by the city to provide incentives for the purchase of development rights.

SECTION 24. Ordinance 13733, Section 14, as amended, and K.C.C.

21A.37.150 are each hereby amended to read as follows:

A. Expenditures by the county for amenities to facilitate development rights sales shall be authorized by the TDR executive board during review of proposed interlocal agreements, and should be roughly proportionate to the value and number of development rights anticipated to be accepted in an incorporated receiving site pursuant to the controlling interlocal agreement, or in the unincorporated urban area, in accordance with K.C.C. 21A.37.040.

B. The county shall not expend funds on TDR amenities in a city before execution of an interlocal agreement, except that:

1. The executive board may authorize up to twelve thousand dollars be spent by the county on TDR amenities before a development rights transfer for use at a receiving site or for the execution of an interlocal agreement if the TDR executive board recommends that the funds be spent based on a finding that the expenditure will expedite a proposed transfer of development rights or facilitate acceptance of a proposed transfer of development rights by the community around a proposed or established receiving site area;

2. King County may distribute the funds directly to a city if a scope of work, schedule and budget governing the use of the funds is mutually agreed to in writing by King County and the affected city. Such an agreement need not be in the form of an interlocal agreement; and

3. The funds may be used for project design renderings, engineering or other professional services performed by persons or entities selected from the King County approved architecture and engineering roster maintained by the department of finance or an affected city's approved architecture and engineering roster, or selected by an affected city through its procurements processes consistent with state law and city ordinances.

C. TDR amenities may include the acquisition, design or construction of public art, cultural and community facilities, parks, open space, trails, roads, parking, landscaping, sidewalks, other streetscape improvements, transit-related improvements or other improvements or programs that facilitate increased densities on or near receiving sites.

D. When King County funds amenities in whole or in part, the funding shall not commit the county to funding any additional amenities or improvements to existing or uncompleted amenities.

E. King County funding of amenities shall not exceed appropriations adopted by the council or funding authorized in interlocal agreements, whichever is less.

F. Public transportation amenities shall enhance the transportation system. These amenities may include capital improvements such as passenger and layover facilities, if the improvements are within a designated receiving area or within one thousand five hundred feet of a receiving site. These amenities may also include programs such as the

provision of security at passenger and layover facilities and programs that reduce the use of single occupant vehicles, including car sharing and bus pass programs.

G. Road fund amenities shall enhance the transportation system. These amenities may include capital improvements, such as streets, traffic signals, sidewalks, street landscaping, bicycle lanes and pedestrian overpasses, if the improvements are within a designated receiving site area or within one thousand five hundred feet of a receiving site. These amenities may also include programs that enhance the transportation system.

H. All amenity funding provided by King County to cities to facilitate the transfer of development rights shall be consistent with federal, state and local laws.

I. The timing and amounts of funds for amenities paid by King County to each participating city shall be determined in an adopted interlocal agreement. The interlocal agreement shall set forth the amount of funding to be provided by the county, an anticipated scope of work, work schedule and budget governing the use of the amenity funds. Except for the amount of funding to be provided by the county, these terms may be modified by written agreement between King County and the city. Such an agreement need not be in the form of an interlocal agreement. Such an agreement must be authorized by the TDR executive board. If amenity funds are paid to a city to operate a program, the interlocal agreement shall set the period during which the program is to be funded by King County.

J. A city that receives amenity funds from the county is responsible for using the funds for the purposes and according to the terms of the governing interlocal agreement.

K. To facilitate timely implementation of capital improvements or programs at the lowest possible cost, King County may make amenity payments as authorized in an

interlocal agreement to a city before completion of the required improvements or implementation programs, as applicable. If all or part of the required improvements or implementation programs in an interlocal agreement to be paid for from King County funds are not completed by a city within five years from the date of the transfer of amenity funds, then, unless the funds have been used for substitute amenities by agreement of the city and King County, those funds, plus interest, shall be returned to King County and deposited into the originating amenity fund for reallocation to other TDR projects.

L. King County is not responsible for maintenance, operating and replacement costs associated with amenity capital improvements inside cities, unless expressly agreed to in an interlocal agreement.

NEW SECTION. SECTION 25. A new section is hereby added to K.C.C. chapter 21A.38 to read as follows:

A. The purpose of the Fall City business district special district overlay is to allow commercial development in Fall City to occur with on-site septic systems until such time as an alternative wastewater system is available. The special district shall only be established in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to other rural commercial centers.

B. The standards of this title and other county codes shall be applicable to development within the Fall City business district special district overlay except as follows:

1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced with the following:

a. Residential land uses as set forth in K.C.C. 21A.08.030:

i. As a permitted use:

(A) Multifamily residential units shall only be allowed on the upper floors of buildings; and

(B) Home occupations under K.C.C. chapter 21A.30;

ii. As a conditional use:

(A) Bed and Breakfast (five rooms maximum); and

(B) Hotel/Motel.

b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:

i. As a permitted use:

(A) Library;

(B) Museum; and

(C) Arboretum.

ii. As a conditional use:

(A) Sports Club/Fitness Center;

(B) Amusement/Recreation Services/Arcades (Indoor);

(C) Bowling Center

c. General services land uses as set forth in K.C.C. 21A.08.050:

i. As a permitted use:

(A) General Personal Services, except escort services;

(B) Funeral Home;

(C) Appliance/Equipment Repair;

(D) Medical or Dental Office/Outpatient Clinic;

- (E) Medical or Dental Lab;
- (F) Day Care I;
- (G) Day Care II;
- (H) Veterinary Clinic;
- (I) Social Services;
- (J) Animal Specialty Services;
- (K) Artist Studios;
- (L) Nursing and Personal Care Facilities;
- ii. As a conditional use:
 - (A) Theater (Movie or Live Performance);
 - (B) Religious Use;
- d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:
 - i. As a permitted use:
 - (A) General Business Service;
 - (B) Professional Office: Bank, Credit Union, Insurance Office.
 - ii. As a conditional use:
 - (A) Public Agency or Utility Office;
 - (B) Police Substation;
 - (C) Fire Station;
 - (D) Utility Facility;
 - (E) Self Service Storage;
- e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:
 - i. As a permitted use on the ground floor:

(A) Food Store;

(B) Drug Store/Pharmacy;

(C) Retail Store: includes florist, book store, apparel and accessories store, furniture/home furnishings store, antique/recycled goods store, sporting goods store, video store, art supply store, hobby store, jewelry store, toy store, game store, photo store, electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-only retail);

(D) Eating and Drinking Places, including coffee shops and bakeries.

ii. As a conditional use:

(A) Liquor Store or Retail Store Selling Alcohol;

(B) Hardware/Building Supply Store;

(C) Nursery/Garden Center;

(D) Department Store;

(E) Auto Dealers (indoor sales rooms only);

f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.

g. Resource land uses as set forth in K.C.C. 21A.08.090:

i. As a permitted use:

(A) Solar photovoltaic/solar thermal energy systems;

(B) Private storm water management facilities;

(C) Growing and Harvesting Crops (within rear/internal side yards or roof gardens, and with organic methods only);

(D) Raising Livestock and Small Animals (per the requirements of Section 21A.30 of the Zoning Code)

ii. As a conditional use: Wind Turbines

h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit: Communication Facility.

2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except as follows:

a. Residential density is limited to six dwelling units per acre. For any building with more than ten dwelling units, at least ten percent of the dwelling units shall be classified as affordable under 21A.34.040F.1;

b. Buildings are limited to two floors, plus an optional basement;

c. The elevation of the ground floor may be elevated a maximum of six feet above the average grade of the site along the front facade of the building;

d. If the ground floor is designed to accommodate non-residential uses, the elevation of the ground floor should be placed near the elevation of the sidewalk to minimize the need for stairs and ADA ramps;

e. If the ground floor is designed to accommodate non-residential space, the height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

f. Building height shall not exceed forty feet, as measured from the average grade of the site along the front facade of the building.

SECTION 26. Ordinance 11621, Section 28, and K.C.C. 21A.06.1177 are each hereby repealed.

SECTION 27. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.